

Exhibit 19

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RICHARD LOWERY,

Plaintiff,

V.

CAUSE NO: 1:23-CV-00129-LY

LILLIAN MILLS, in her official capacity as Dean of the McCombs School of Business at the University of Texas at Austin; ETHAN BURRIS, in his official capacity as Senior Associate Dean for Academic Affairs of the McCombs School of Business at the University of Texas-Austin; and SHERIDAN TITMAN, in his official capacity as Finance Department Chair for the McCombs School of Business at the University of Texas-Austin,

Defendants.

DECLARATION OF GABRIELA MARIA BARAKE

I, Gabriela Maria Barake, declare as follows:

1. My name is Gabriela Maria Barake. I am over eighteen (18) years of age and am fully competent to make this Declaration. I have never been convicted of a felony or crime involving moral turpitude. I am personally acquainted with the facts herein stated and such facts are within my knowledge, true and correct.

2. I am an attorney representing Defendants in this lawsuit. Each exhibit attached hereto includes quotations from Plaintiff Richard Lowery or statements otherwise written by him.

3. The document attached hereto as Exhibit 19-A to this Declaration is a webpage printout of an article on Inside Higher Ed titled “The UT Austin Liberty Institute? What’s that?” I accessed this page most recently online on March 14, 2023 at <https://www.insidehighered.com/news/2021/09/24/ut-austins-liberty-institute-whats-professors-ask>. Exhibit 19-A is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

4. The document attached hereto as Exhibit 19-B to this Declaration is a webpage printout of an article on The College Fix titled “At UT-Austin, teaching white 4-year-olds that they’re racist is funded by taxpayer dollars.” I accessed this page most recently online on March 14,

2023 at <https://www.thecollegefix.com/at-ut-austin-teaching-white-4-year-olds-that-theyre-racist-is-funded-by-taxpayer-dollars/>. Exhibit 19-B is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

5. The document attached hereto as Exhibit 19-C to this Declaration is a webpage printout of an article on Fox News titled “Texas professor blasts ‘activist’ faculty over pro-CRT resolution: ‘Social justice indoctrination camp’.” I accessed this page most recently online on March 14, 2023 at <https://www.foxnews.com/media/texas-professor-activist-faculty-crt-social-justice-indoctrination>. Exhibit 19-C is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

6. The document attached hereto as Exhibit 19-D to this Declaration is a webpage printout of an article Campus Reform titled “Q+A: This professor is standing up against CRT. Here’s his advice for students, parents.” I accessed this page most recently online on March 14, 2023 at <https://www.campusreform.org/article?id=19148>. Exhibit 19-D is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

7. The document attached hereto as Exhibit 19-E to this Declaration is a webpage printout of an article on The Texan titled “Liberty Institute Creators Say UT Leadership ‘Reneged’ on State-Funded Plans for Right-Leaning University Programs.” I accessed this page most recently online on March 14, 2023 at <https://thetexan.news/liberty-institute-creators-say-ut-leadership-reneged-on-state-funded-plans-for-right-leaning-university-program/>. Exhibit 19-E is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

8. The document attached hereto as Exhibit 19-F to this Declaration is a webpage printout of an article on The Texas Tribune titled “Professors behind conservative-backed ‘Liberty Institute’ say UT has strayed from plan.” I accessed this page most recently online on March 14, 2023 at <https://www.texastribune.org/2022/06/08/ut-austin-professors-liberty-institute/>. Exhibit 19-F is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

9. The document attached hereto as Exhibit 19-G to this Declaration is a webpage printout of an article on The James G. Martin Center for Academic Renewal titled “How UT-Austin Administrators Destroyed an Intellectual Diversity Initiative.” I accessed this page most recently online on March 14, 2023 at <https://www.jamesgmartin.center/2022/07/how-ut-austin-administrators-destroyed-an-intellectual-diversity-initiative/>. Exhibit 19-G is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

10. The document attached hereto as Exhibit 19-H to this Declaration is a webpage printout of an article on Heterodox STEM titled “Merit, Fairness, and Equality.” I accessed this page most recently online on March 14, 2023 at <https://hxstem.substack.com/p/merit-fairness-and-equality>. Exhibit 19-H is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

11. The document attached hereto as Exhibit 19-I to this Declaration is a webpage printout of an article on The College Fix titled “‘Liberty Institute’ proponent says university interfered with his plans.” I accessed this page most recently online on March 14, 2023 at <https://www.thecollegefix.com/ut-austin-liberty-institute-stymied-by-leftist-administrators->

[professor-alleges/](#). Exhibit 19-I is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

12. The document attached hereto as Exhibit 19-J to this Declaration is a webpage printout of an article on Heartland Daily News titled “Higher Ed Jobs: Only the Woke Need Apply (Commentary).” I accessed this page most recently online on March 14, 2023 at <https://heartlanddailynews.com/2022/08/higher-ed-jobs-only-the-woke-need-apply-commentary/>. Exhibit 19-J is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

13. The document attached hereto as Exhibit 19-K to this Declaration is a webpage printout of an article on Texas Scorecard titled “UT Urges Business Professors to Give Content Warning to Potentially Offended Students.” I accessed this page most recently online on March 14, 2023 at <https://texasscorecard.com/state/ut-urges-business-professors-to-give-content-warning-to-potentially-offended-students/>. Exhibit 19-K is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

14. The document attached hereto as Exhibit 19-L to this Declaration is a webpage printout of an article on The College Fix titled “Business school professors advised to warn students about possible curriculum-induced trauma.” I accessed this page most recently online on March 14, 2023 at <https://www.thecollegefix.com/business-school-professors-advised-to-warn-students-about-possible-curriculum-induced-trauma/>. Exhibit 19-L is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

15. The document attached hereto as Exhibit 19-M to this Declaration is a webpage printout of an article on The College Fix titled “Professors continue push for ‘Merit, Fairness and Equality’ to combat DEI regime.” I accessed this page most recently online on March 14, 2023 at <https://www.thecollegefix.com/professors-continue-push-for-merit-fairness-and-equality-to-combat-dei-regime/>. Exhibit 19-M is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

16. The document attached hereto as Exhibit 19-N to this Declaration is a webpage printout of an article on The College Fix titled “Academic Freedom Conference prompts spirited debate over how best to fix higher education.” I accessed this page most recently online on March 14, 2023 at <https://www.thecollegefix.com/academic-freedom-conference-prompts-spirited-debate-over-how-best-to-fix-higher-education/>. Exhibit 19-N is a true and correct copy of the printout of said webpage as it existed when I last accessed it.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 14, 2023.



Gabriela Maria Barake, Declarant

Exhibit 19a

The UT Austin Liberty Institute? What's That?

Professors want to know more -- much more -- about a center dedicated to private enterprise and individual rights that has apparently been in the works for years.

By [Colleen Flaherty \(/users/colleen-flaherty\)](#).

// September 24, 2021

Faculty members at the University of Texas at Austin still have lots of questions about the Liberty Institute, a think tank apparently coming to campus. That's even after the university provost addressed the matter at a recent Faculty Council [meeting](https://facultycouncil.utexas.edu/september-20-2021-faculty-council-meeting/).

What more do professors want to know?

"Everything," said Domino Renee Perez, chair of UT Austin's Faculty Council and associate professor of English. "The faculty need to hear directly from the president, since he is the one who identified this as a priority for the university."

Most professors first learned of the Liberty Institute idea late last month, via a *Texas Tribune* [investigation](https://www.texastribune.org/2021/08/26/ut-austin-liberty-institute/) finding that university leaders had been working with private donors and Texas Republican lieutenant governor Dan Patrick for eight months to launch it. Internal proposals describe the institute as "dedicated to the study and teaching of individual liberty, limited government, private enterprise and free markets," according to the article.

The *Tribune* found that Texas legislators had already approved \$6 million in initial funding for the institute in the 2022-23 state budget. The university reportedly committed another \$6 million, and a private donor promised \$8.5 million to a center back in 2016. No details about the project had been made public, and the university did not provide them, according to the report, which was based largely on documents obtained via open records requests.

The article names Jay Hartzell, UT Austin's president, as being involved in the project, along with Patrick and Kevin Eltife, a Republican former state senator who was appointed to a second term to the University System of Texas's Board of Regents this year by Republican governor Greg Abbott. Donors Bud Brigham and Bob Rowling, both conservatives, are also involved, per the report.

Following the *Tribune* report, faculty members have sought more information about the project and expressed concerns that the Legislature is earmarking money for an academic endeavor that few, if any, professors seem to know anything about.

Members of the council, for instance, submitted a list of eight questions to the university, including whether the *Tribune's* account is accurate and how the institute will uphold intellectual freedom and faculty governance. What will the institute offer that is not already available or possible within existing programs in law, government, business and public affairs, the council also asked. How exactly is the institute funded, and are any strings attached?

What role will the faculty play, including in faculty recruitment? And how will the center be structured?

Provost Sharon Wood attempted to answer some of these questions at the council meeting earlier this week. Yet Wood, who became provost in July, said she didn't have answers to some of their questions because discussions about the institute predated her arrival in the president's office.

"The goal is to provide students who cross traditional boundaries and consider problems from multiple points of view," Wood said. The institute will help students "understand how regulatory and legal environments are going to impact markets. They also will have the analytical and quantitative skills to solve complex problems and understand more economic drivers."

Regarding the *Tribune's* report, Wood said it "ignored the role of faculty governance and faculty hiring and also developing new degree programs and implied there was no interest among students." But she did not share a clear plan for faculty governance or the faculty role in hiring.

Jeffrey Abramson, professor of government and law, said after the meeting, "The normal thing for a self-respecting university to have done, once it raised the money for the institute, would have been to go to the regular faculty and empower them, in the exercise of academic freedom, to make the hiring and curricular decisions." Abramson said the possibility that the institute could "stand outside of the normal ways mature universities make academic decisions is a threat to the integrity of UT and gives far too much power to private donors over who teaches what to our students."

Centers dedicated to the study of free enterprise, individual freedom and limited government exist elsewhere. Many are funded by the Charles Koch Foundation and are seen by their supporters as a counterpoint to the less conservative systems and approaches students encounter in the classroom. The BB&T bank foundation also used to offer Moral Foundations grants

(<https://www.insidehighered.com/news/2015/10/16/new-paper-details-extent-bbt-banks-ayn-rand-inspired-grant-program>) to colleges and universities, stipulating that they offer classes on or provide students a copy of Ayn Rand's pro-free market novel *Atlas Shrugged*. In some cases, these grants came with stipulations about faculty hires. A 2011 Western Carolina University advertisement, for instance, said applicants for its BB&T Distinguished Professor of Capitalism should be "at least familiar with, if not actively receptive to, the writings of Ayn Rand." Also in 2011, it was revealed that in cases at more than one university, Koch grant agreements stipulated that the foundation have a say in faculty hiring

(<https://www.insidehighered.com/news/2011/06/28/not-just-florida-state>). A third institution, George Mason University, said in 2018 that some of its earlier agreements with Koch involved donor influence in faculty hiring

(<https://www.insidehighered.com/news/2018/05/01/koch-agreements-george-mason-gave-foundation-role-faculty-hiring-and-oversight>).

(<https://www.insidehighered.com/news/2018/05/01/koch-agreements-george-mason-gave-foundation-role-faculty-hiring-and-oversight>).

Koch has since said that it always valued academic freedom, and that it has purposely moved away from agreement language of this nature. It's also released a template for current donor agreements. BB&T has also ended its Ayn Rand-based program to concentrate on financial literacy-based philanthropy.

Faculty concerns about these centers remain, beyond the issue of donor influence in faculty hiring. Academic freedom advocates worry, for instance, that the underfunding of higher education makes public institutions, in particular, at risk for compromising on faculty rights to secure private funding. The state of Texas appears committed to funding this particular project, but that raises eyebrows, as well, given that politicians may know more about it than professors.

Another concern is that these institutes may be used to promote political ideas as academic research. Immunologists at Stanford University, for instance, worried about this

(<https://www.insidehighered.com/news/2020/09/23/scott-atlas-white-house-adviser-coronavirus-threatens-sue-colleagues-back-stanford>), with respect to Scott Atlas, a fellow at Stanford University's Hoover Institution, when he was challenging the effectiveness of wearing masks as the Trump White House's coronavirus adviser. Atlas wasn't working directly for Hoover in this role, but his academic credentials, including his medical degree, were often cited regarding his public comments.

Elsewhere faculty members have rejected proposed centers (<https://www.insidehighered.com/news/2018/04/27/montana-states-faculty-senate-narrowly-votes-down-proposed-economics-research-center>) on the grounds that they would compete with existing academic departments (<https://www.insidehighered.com/news/2017/08/31/new-koch-backed-institute-u-utah-raises-questions-about-academic-freedom-and-whether>), namely economics.

The Hoover Institution is reportedly one model for the UT Austin institute. Wood also said at the council meeting that Tom Gilligan, former dean of the McCombs School of Business at UT Austin, had been helping plan the Liberty Institute before he left for the Hoover Institute, in 2015. Gilligan, who is now a fellow emeritus at Hoover, did not respond a request through Hoover Thursday.

Abramson said that in the "current political climate, Americans are divided, and rightly argue about the proper balance to strike between individual liberty and the public good." But he said his fear is that the Liberty Institute, "while promising to bring diversity of thought to campus, will in fact be stacked in its hiring and course decisions to favor only one side of this essential debate."

Not all professors are so skeptical of the Liberty Institute, as they understand it thus far, however. Richard Lowery, an associate professor of finance, said during the council meeting that he was confused by some of the criticism, as the university already funds various programs that are "explicitly political," including social justice and diversity, equity and inclusion efforts.

Lowery declined an interview request but provided the following written statement:

The University of Texas at Austin administration, with the enthusiastic support of the faculty, has implemented a diversity, equity and inclusion plan, the original version of which was described (<https://www.nas.org/storage/app/media/New%20Documents/fire-letter-to-the-university-of-texas-at-austin-september-3-2020.pdf>) by the Foundation [for] Individual Rights in Education as follows: “[T]he proposal’s mandates present a serious threat of establishing a viewpoint based litmus test for both hiring and promotion,” with the final version being, in my opinion, as bad or worse than the original draft. Thus, not only are the supposed concerns about a political test in a potential “Liberty Institute” hypocritical, but in light of this explicit, and many implicit, political tests being used at the university, it is absolutely essential to establish some structure at UT-Austin where academic freedom can be restored. While I support the principle of establishing such a structure, the Provost’s plan is clearly designed to give control over such a unit to the existing faculty, who generally oppose academic freedom, and thus would serve as little more than a fig leaf.”

Daniel Brinks, chair of government, said he knew little about the institute but that he’d heard it could involve a cluster hire of faculty members who research areas including collective decision making, government regulation and its effects on economic and other outcomes, market design and social welfare, and drivers of social prosperity.

Speaking only for himself, he said, “I imagine that whether our department would support a hire within this cluster would depend on how the scope of the cluster is defined, and how well it lines up with our priorities and disciplinary standards.” And as with “any hire,” he said, “I’m sure we would all expect that our normal governance processes will be respected, including our normal role in selecting the faculty we hire.”

J. B. Bird, spokesperson for the university, said he was conferring with the provost’s office on a request for comment or an interview. Late in the day, he shared a link to a new bullet point-style information page (<https://news.utexas.edu/topics-in-the-news/liberty-institute/>) on the institute. Bird highlighted the following point: “Any new professors will be hired within normal university protocols, which include deans and department chairs.” He distinguished new professors from current professors who become affiliated with the institute. As for academics, the page says, “we plan to do an inventory of existing courses to develop a list of new classes that may be added.”

Bird added that the institute is “still in a planning phase.”

By Colleen Flaherty (/users/colleen-flaherty).

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Exhibit 19b



ANALYSIS OPINION POLITICS

At UT-Austin, teaching white 4-year-olds that they're racist is funded by taxpayer dollars

PROFESSOR RICHARD LOWERY - GUEST COLUMN
DECEMBER 1, 2021



OPINION: *Under the auspices of ‘academic freedom,’ the program is fully supported from the top down*

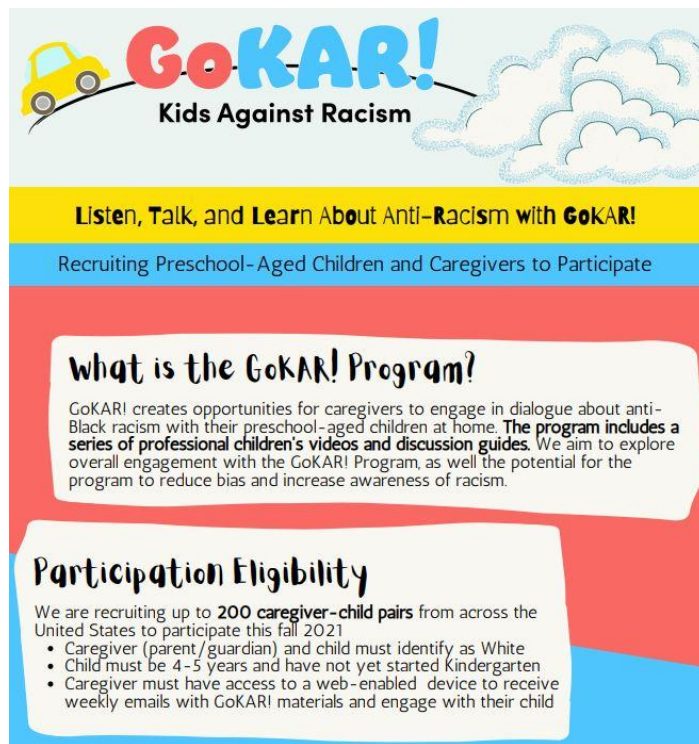
After a brief pause, UT-Austin recently **restarted** the GoKar program, which develops critical race theory **training materials** for 4- and 5-year-olds who are white.

This \$100,000 **program**, funded directly by university administration — and by extension taxpayer dollars — represents a grave misuse of state funds for political purposes.

The goal of the project is not to study racism or anything like that, but to develop materials to convince white preschool-aged children of the particular political views of researchers.

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It is explicitly motivated by the ideas of Robin DiAngelo, who makes statements such as: “Raising white children to be white is a form of child abuse.”

Sadly, the faculty and administrators have successfully hidden behind a misunderstanding and abuse of the concept of academic freedom to defend the program and continue its funding without facing accountability for its content.

No one could seriously claim that this proposal would have been funded and defended if it were seeking to provide, say, patriotic education for preschoolers, under the pretense of measuring the effect of such a program on these attitudes.

And, imagine if such training were to be focused only on black preschool-aged children, a subset the researchers deemed deficient in patriotism.

Academic freedom is a great ideal, but academic freedom for only certain ideas is not academic freedom at all. The defense of this program as an exercise in academic freedom breaks down even further upon careful examination.

Here, with GoKar, the university actively chose to provide \$100,000 of state money to engage in political persuasion aimed at 4- and 5-year-olds based on the claim that it would be too late to wait until they are adults, or even slightly more mature children, to get them to come around to the political views of the researchers.

GoKar is just one, though a particularly egregious, case of UT-Austin diverting

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The provost's **DEI grants** provide a laundry list of such diversions, with many not even having the pretense of research projects. I assure you there is no equivalent list of provost grants to promote alternative perspectives on any of these DEI issues.

The diversion of state resources to political advocacy through bureaucratic means, with extreme resistance to outside monitoring or oversight by the democratically elected branches of government, is not an exercise in academic freedom but instead a grave threat to the free exchange of ideas.

If certain ideas are so **advantaged** through government support, as they are at universities, both through state appropriations being diverted and through direct federal programs, then we do not have a true marketplace of ideas.

The leaders of the state of Texas have been wildly deficient in their monitoring of the use of state funds for political advocacy, with Lieutenant Gov. Daniel Patrick and Governor Greg Abbott rebuffing any attempts at reform and allowing the Board of Regents to ignore and promote these measures.

But this failure of leadership does not mean that the people of Texas deserve to have their tax dollars used to fund political advocacy that many will find repugnant.

The people of Texas deserve a say in how the university spends their money, and I hope they will stand up to their leadership and call for major reform and massively increased oversight.

Academic freedom must be a broadly applied concept; if it protects only those who hold favored views on campus against interference from outside, but does not protect views that are not popular within the university, it is not academic freedom but instead the internal enforcement of orthodoxy.

Clearly, that is what we have at UT-Austin now.

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Abusive **research inquiries** are used to punish researchers whose findings run afoul of the accepted conclusions on campus, and individuals who play key roles in such attacks end up, say, **promoted** to chief deputy positions.

Initiatives aimed at bringing different ideas to campus are blocked **based on an ideological filter**.

Finally, and most egregiously, UT-Austin has implemented a Diversity, Equity and Inclusion policy that calls for “diversity skills” to be part of all hiring and promotion, and requires a DEI representative on all hiring committees, a policy whose original form was **described** as a potential political test by no other than the highly respected Foundation for Individual Rights in Education.

No university with such policies can claim to protect academic freedom, and as such the fig leaf of “academic freedom” is only used to cover up for programs that the UT-Austin administration supports on its own merits.

And that includes teaching white four-year-olds that they’re racist.



*Richard Lowery is an **associate professor of finance** at the University of Texas at Austin and a senior scholar at the Salem Center for Policy. He has been at UT since 2009, when he completed his Ph.D. in economics at Carnegie Mellon University. He is an applied game theorist, with research in banking, investment banking, real estate, and other topics.*

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MAIN IMAGE: UT Austin screenshot

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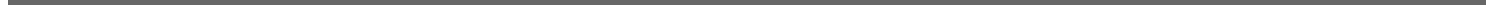
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Exhibit 19c

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Texas professor blasts 'activist' faculty over pro-CRT resolution: 'Social justice indoctrination camp'

By Nikolas Lanum

Published February 18, 2022

Fox News

A Texas professor spoke out Friday on "Fox & Friends First" after faculty at his university passed a resolution that will allow teachers to include critical race theory (CRT) in their curriculums.

The resolution voices support for faculty members tailoring courses and curricula around the controversial theory. It was passed partly in response to legislation in Texas limiting the teaching of CRT in K-12 education and to express solidarity with educators seeking to "teach the truth in U.S. history and civics education." Thus far, the Texas state legislature has not passed anything related to teaching in higher education.

But, the University of Texas at Austin Associate Professor Richard Lowery told co-host Todd Piro that social justice activists on campus don't just want to express their ideas, but want to "force" others to adhere to them and implement them across required studies.

TEXAS PROFESSOR BLASTS FACULTY AS THEY PASS RESOLUTION PROMOTING CRITICAL RACE THEORY: VIDEO

"They'll take over classes, and they'll take over required classes, and then you can't get through that class if you don't express the ideas that they want you to express," Lowery said.

Lowery went on to say that the university has implemented "flag requirements," which are essential to graduate. He asserted that students must engage in "activism" and learn about critical race theory to earn the flags.

According to the University of Texas at Austin website, "The Skills and Experience Flags are a unique and innovative feature of all undergraduate degrees at The University of Texas at Austin. The Flags are designed to provide the enriched education that all students will need to become effective future leaders in our society and a constantly evolving workplace."



A student walks at the University of Texas campus in Austin, Texas, June 23, 2016. (REUTERS/Jon Herskovitz/File Photo)

Students must earn flags in six areas, which include cultural diversity in the United States, ethics, and Global Cultures.

Lowery added that there has been a "real shift" in Texas education over the past several decades, favoring an "activist core" over

objective reasoning and education.

"So many of the faculty view themselves as activists first and educators and researchers maybe second or third at best," said the associate professor.

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In a video message on Tuesday Lowery blasted the resolution and fellow faculty.

"The legislature trusted you to be the right people to judge the curriculum and to focus on education and keep politics out," said Lowery. "They didn't give you autonomy, so you could turn our school into a social justice indoctrination camp."

Nikolas Lanum is an associate editor for Fox News Digital.

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<https://www.foxnews.com/media/texas-professor-activist-faculty-crt-social-justice-indoctrination>

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Exhibit 19d

Q+A: This professor is standing up against CRT. Here's his advice for students, parents.

Campus Reform sat down with Professor Richard Lowery on Critical Race Theory and the future of higher education.

ard Lowery
ardLoweryTX

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t of teaching of Critical Race Theory
ender Justice or whatever, both at th
level and in K-12. The resolution op
cratic oversight of curriculum set by
ats.



15 2022 - Twitter Web App

Sterling Mosley '23 | Senior Texas Campus Correspondent

March 8, 2022, 12:41 pm



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Editor's Note: The following Q+A has been edited for length and clarity

The Faculty Council at the University of Texas at Austin (UT) recently passed a resolution in support of Critical Race Theory (CRT).

During the deliberation, one professor, **Richard Lowery**, stood up against the resolution and later posted his **condemnation** on Twitter.

Me opposing the UT-Austin Faculty Council resolution in support of teaching of Critical Race Theory and Critical Gender Justice or whatever, both at the university level and in K-12. The resolution opposes any democratic oversight of curriculum set by gvt bureaucrats.

[pic.twitter.com/a0lbU4E7Yc](https://twitter.com/a0lbU4E7Yc)

— Richard Lowery (@RichardLoweryTX) February 16, 2022

Campus Reform sat down with Professor Lowery to discuss his thoughts on the resolution and the future of higher education.

Q: What is it like speaking out against the Faculty Council? Have you received any backlash or support from other faculty? And why do you think you were the only faculty member to speak out against this resolution?

Lowery: So far I've gotten primarily messages of support. Some from the university, more nationally. I haven't gotten much hate mail yet. I know the Faculty Council doesn't like me, but that's been true for a while. I don't feel like they feel compelled to tell me again that they don't like me. There are very few people who end up on the Faculty Council here who don't really really like the idea of imposing critical race theory throughout the campus. That's the main reason why I'm the only one to speak up. Everyone knows that it is bad for your career if you stand up so they are happy when someone else does it. But I just decided to say 'screw it, someone has to say something.'

Q: In your response to the resolution, you cite that implementing the Chicago Principles and the Kalven Report would be the best way to ensure academic freedom, why do you think the faculty council was not in favor of that? Additionally, could you explain the Chicago Principles and what a resolution would look like had the Faculty Council adhered to them? And why do you think the Faculty Council didn't want to follow that approach, in your opinion?

Lowery: To clarify, I think the Chicago Principles and the Kalven report would be a much better approach than what the Faculty Council is doing if the goal is really to defend academic freedom. I am not sure it is the best way and those steps might not go far enough given how much effort has already gone into driving competing ideas off campus.

The Faculty Council does not favor that approach because they are not actually interested in academic freedom; their goal is to be able to dictate what ideas can be expressed on campus. Thus, they specifically support teaching Critical Race Theory throughout the university and in K-12 because they like Critical Race Theory, not because they want a wide variety of ideas discussed.

The Faculty Council fully supports the Diversity, Equity, and Inclusion [DEI] policy, which is an instrument for imposing a political test on the ideas allowed on campus, going against both the Chicago Principles and the Kalven Report's recommendation of institutional neutrality.

Passing a resolution supporting these principles would be simple—just a one-paragraph statement that we endorse the principles laid out in the linked document, but it would be in direct conflict with the DEI policy

Q: What do you foresee as the long-term consequences of this resolution passing? Whether that is faculty research or instruction or the general way of thinking of how faculty thinks on this issue.

Lowery: We've been marching towards putting more and more mandated Critical Race Theory throughout the curriculum. We already well down the path of implementing Critical Race Theory as a governing principle throughout the university.

Q: What would you say is the best course of action to reverse that trend?

Lowery: We are pretty far gone. We need a major reimagining of how the university is governed and operated. The most important thing is getting better oversight.

Until the people who are responsible for governing the university and for selecting the leadership of the university put their foot down and say 'no you can't make Critical Race Theory the official policy of the university,' we are governed by people who claim to be against this stuff but then double down everytime the university wants to go farther down this path.

As long as that's happening there is no hope.

The Board of Regents is cheerleading this stuff and shutting down anytime we try to bring anything else onto campus that isn't Critical Race Theory. So it's an absolute failure of the leadership.

Until that gets fixed there is no way forward.

Q: Is there anything that students can do to stand up against these types of actions by the faculty council or if these types of ideas are being taught in the classroom? What would you recommend to students?

Lowery: Students should speak out. Speak up. Tell people, tell reporters, call *Campus Reform*. Make sure people know what's going on. Tell your parents, don't believe this stuff that you should hate your parents and they are the oppressors. Let people know what's going on here. Show up for the spattering of dissenting events. Build a network so you know that you aren't the only one out here against the mob.

It's tough for a student because you say the wrong thing in a class and they are gonna flunk you. I don't know if they'll flunk you but you certainly are not going to do as well in a class. I've been through a lot of syllabi and talked to a lot of people and that's my impression.

Shutting down Critical Race Theory isn't about taking away the rights of the faculty to do their research. It's about taking away the ability of the faculty to compel students to support certain positions. People need to know what this stuff really is. Without firsthand experience, it's hard for people to understand what is really going on here.

Q: How would you describe the current state of higher education to a prospective parent wanting to send their child to UT Austin?

Lowery: It's disastrous. Your best hope is to send your kid to an engineering program but even then to fulfill the basic requirements, the stuff that you are going to have to go through is designed to kind of turn kids against our society. It is really bad. You have to prepare your kids and make sure that they are reading the right stuff.

We tried really hard to get some classes set up so that students can take some more traditional survey classes so they wouldn't have to go in and do all this stuff and we got completely shut down.

If parents want their kids to be able to go to the university and not have to regurgitate this crazy political stuff then they have to pressure the leadership of the university.

But until there is a lot of pressure on the Board of Regents and the leadership of UT, that's not going to happen. If parents care, then they need to start pressuring that. Why can't my child choose to take a non-CRT-based history class to complete his history requirement? Why does every faculty hire have to go through the approval of critical race theorists? Those questions need to be asked.

Q: Anything else you'd like to add?

Lowery: You can blame the professors all you want but the board and university leadership are responsible for this stuff and that's the group that needs to be held accountable.

Campus Reform has reached out to the University of Texas at Austin for comment; this story will be updated accordingly.



Exhibit 19e

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Liberty Institute Creators Say UT Leadership ‘Reneged’ on State-Funded Plans for Right-Leaning University Programs

The leading creator of the Liberty Institute says UT brass is sabotaging it. President Hartzell says it’s just being held to an equal standard. Lt. Gov. Patrick, meanwhile, is remaining silent on what was thought to be his pet project.

ISAIAH MITCHELLAPRIL 18, 2022



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el Friend), the University of Texas (Brandon Watts), and UT President Jay Hartzell (Moody College of Communication).

ssor that led the effort to create the Liberty Institute claims university leadership is sabotaging the state-funded project.

repeatedly and publicly voiced support for the endeavor.

In a remark that would later spark controversy at successive faculty council meetings, Patrick touted the institute as an antidote to the “poison” of critical race theory in Texas public education.

“I will not stand by and let looney Marxist UT professors poison the minds of young students with Critical Race Theory. We banned it in publicly funded K-12 and we will ban it in publicly funded higher ed. That’s why we created the Liberty Institute at UT,” Patrick wrote.

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Carvalho says he and other members envisioned a home for politically heterodox academics, similar to Stanford’s Hoover Institution, but with its own tenured faculty, courses, and degree programs. The draft proposal for the institute, which envisions programming dedicated to classical education and exploration of “the moral, ethical, philosophical and historical foundations underpinning a free society,” is included below.

Although he conceived the idea with other faculty, Carvalho was gradually removed from the committees steering the institute.

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all has told faculty that the institute will not hire faculty independently — removing a provision that Carvalho necessary to make the institute a home for heterodox thinkers.

has said that other institutes and centers around campus do not have the power to hire staff independently.

ends up being named, is going to conform with the way we run centers and institutes at the University of es don’t, for example, appoint tenured faculty,” Hartzell said at a March faculty council meeting.

existing university system, which Carvalho calls “antagonistic” to the ideas the institute would be meant to explore.

“There’s one thing, one key provision that makes or breaks this institution. The provision is the independence of hiring. So, hiring in particular what’s called in the university tenured track faculty... And the people that were invested in creating this institution would be the ones essentially choosing who to hire,” Carvalho said.

“And the reason why that’s important is because every department on campus has their own agenda — things they want to do, things they want to hire — and they have shown through the years that they don’t want to hire in this direction. The intellectual imbalance you have on campus is a result of their actions through the years.”

When asked to provide an example of pervasive “antagonism” towards free-market ideals on UT’s campus, Carvalho said the university hosts multiple courses that require engagement with Karl Marx but no history of economics course that would require engagement with Adam Smith.

Though the idea spawned in Carvalho’s office, different faculty involved in the institute credit Patrick with pushing the idea through the state legislature. The idea of a Hoover-style center in Texas dovetailed smoothly with Patrick’s critiques of UT for left-wing homogeneity.

However, the same motive seems to have driven Patrick to pivot to a new policy goal: eliminating tenure at public universities in Texas.

At the press conference where he unveiled this policy plan, Patrick cited the remarks of Richard Lowery, a UT professor who made headlines for excoriating the university’s resolution in support of teaching critical race theory at a February faculty council meeting.

Lowery, who worked closely with Carvalho to draft the original institute proposal, said the institute is currently at a standstill.

“It’s a total failure. They reneged on anything that would be needed to make it independent and functional and they’re just pushing through a plan where existing departments get to use the money, and they’re bringing in someone who I’m pretty sure has just agreed to go along with the plan,” Lowery said, referring to a University of Missouri professor named Justin Dyer whom UT leaders have eyed as a top candidate to lead the institute.

“They’re going to make it look like something’s happening, but nothing along the lines of what we had in mind, of what we envisioned or what the state thought they were getting when the university agreed to it, is ever going to happen.”

Although Lowery and Patrick alike bemoan the political state of the university, Lowery says Patrick has not contacted the original faculty or made efforts to jump-start the stalled project.

“My understanding is that whoever the lieutenant governor’s been talking to has been telling him that everything’s been going to plan. And I don’t know who he’s been talking to to get that impression, but that’s what I heard,” Lowery said.

“He’s never reached out to me or Carlos or any of the people who originally were pushing this.”

Patrick’s office did not respond for comment.

Lowery suggested Dyer’s existing relationships with UT leadership influenced his hiring. Carvalho only said the administration’s search for an institute director seems hurried in light of efforts he and the original faculty made to contact academics at Stanford University, the University of Chicago, and other elite institutions about the job.

“I think UT’s a place that has the ability to aim at top talent. And we had many conversations with lots of people in top places,” Carvalho said.

“This was not something that was widely advertised... I don’t believe the search was done in a way that was — I don’t understand exactly why it was hurried. It did not involve the people that were in the initial stages of the institute.”



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e lack of independent hiring will result in faculty that align with the dominant political thinking of the
’s core purpose.

in anybody who actually has views that really bring new ideas to campus. Because existing departments aren’t
ody who has views sufficiently outside of the mainstream to make it different,” Lowery said.

Lowery called Flores hostile to the institute's core idea. Flores did not respond for comment.

Departments like Flores's have the ability to hire independently, Carvalho says, for the purpose of bringing underrepresented faculty to the university. The same principle is not being applied to the Liberty Institute, he adds.

"The reason why we have an African Diaspora Studies Department, or Mexican-American Studies, a lot of departments that were created, [is] because it was felt that there was a need for providing a home for those ideas, ideas that came from sociology, from history, from economics. So there was an understanding there was a need for a new home for those ideas, and that's why those departments were created. And a lot of those departments, they flourished; they have students and programs and so on. So we're actually trying to emulate something like that," Carvalho said.

"So that provision, to me, is key for the success of the institute, and that provision was the place where there was a big disagreement, when it came to implementation, between the administration and us that proposed the institute."

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Isaiah Mitchell

Isaiah Mitchell is a reporter for The Texan, a Texas native, and a huge Allman Brothers fan. He graduated cum laude from Trinity University in 2020 with a degree in English. Isaiah loves playing music and football with his family.



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Professors behind conservative-backed “Liberty Institute” say UT has strayed from plan

Emails obtained via an open records request show two professors who helped develop the new center believe UT-Austin President Jay Hartzell backed off a plan to bring “intellectual diversity” to campus.

BY **KATE MCGEE** JUNE 8, 2022 5 AM CENTRAL

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University of Texas professors involved with the proposal for a think tank tentatively called the Liberty Institute say UT President Jay Hartzell “defaulted on the plan” after faculty pushback. The school had received \$6 million in the state budget to launch it.  Allie Goulding/The Texas Tribune

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University of Texas at Austin finance professor Richard Lowery was emailing with a colleague in London last November when he was asked if it was true that the so-called Liberty Institute “failed to launch.”

Six months prior, UT-Austin had received \$6 million in the state budget to launch a new think tank “dedicated to the study and teaching of individual liberty, limited government, private enterprise and free markets,” known as the Liberty Institute.

The project had hit some roadblocks after The Texas Tribune reported that the university was working with conservative donors and politicians to launch the center, sparking concerns among some students and faculty that the Legislature was “politicizing” the university.

Lowery replied that the failure-to-launch rumor was “100% accurate.”

“We’re in the Weekend-at-Bernie’s phase of the Liberty Institute life cycle,” he wrote, referring to the 1989 movie about two coworkers pretending their murdered boss is still alive to continue their weekend vacation.

New emails obtained by the Tribune via open records requests show that multiple faculty members who were heavily involved with the center’s genesis are frustrated with the direction it has taken since last fall. Those professors, Lowery and Carlos Carvalho, say they are unhappy with the hiring process and worry about what they view as a lack of independence from the liberal-leaning faculty as a whole. And they accuse UT-Austin President Jay Hartzell and Richard Flores, deputy to the president for academic strategies, of backing off the agreed-upon proposal developed with Lt. Gov. Dan Patrick and conservative donors.

“The President of UT, in coordination with one of his chief deputies, Richard Flores, chose to completely default on the plan agreed to for bringing needed intellectual diversity to campus and to push back against the persistent attacks

on free inquiry and academic freedom at UT-Austin,” Lowery said in an emailed statement.

UT-Austin did not respond to requests for comment or to a list of emailed questions Tuesday.

Carvalho told the Tribune that he wrote a draft proposal for the center that the Tribune obtained from Patrick’s office last summer, and said that version was written “in cooperation with the president’s office.”

“A growing proportion of our population lacks a basic understanding of the role liberty and private enterprise play in their well-being,” that proposal read. “Too many Americans, particularly younger students, maintain misconceptions about our political system and lack an even basic understanding of the moral, ethical, philosophical and historical foundations underpinning a free society.”

In that proposal, the center would be managed by a board of overseers of “alumni and friends” who would manage donations and help the UT-Austin president approve the center’s leadership. A separate board of scholars appointed by that board of overseers would advise on faculty hiring.

Some faculty expressed concerns that the university was setting a negative precedent by forming an institute born out of political motivations and legislative connections. For Carvalho, those concerns have negatively changed the original efforts.

“I believe the current implementation is far from the original plan and from what we presented the [Legislature] as a proposal,” Carvalho said to the Tribune in an email answering written questions. “The change of direction started after the original Texas Tribune article came out last fall.”

The frustration appears to be shared by the lieutenant governor. During a speech at a conservative think tank’s policy event earlier this year, Patrick said he was supportive of the institute after donors approached him, but said UT-Austin faculty “shot it down” because they wanted to have control of hiring.

“Well that’s the whole point,” Patrick said to the crowd. “We don’t want to hire you guys.”

More wealthy conservative donors involved

In faculty council meetings and on its website, the university has insisted the center — which they originally called The Liberty Institute until they were notified they could not legally call it that name — would help support and attract faculty. And university officials have given no public sign that their vision has changed.

On a web page about the program last updated in January, the university states that it hopes to support three to five new members of faculty “with teaching interests in philosophical bases for decision making and choice, government regulation, legal and policy impacts on economic outcomes and individual choice and freedoms, market design and social welfare, and social prosperity and well-being, including innovation, entrepreneurial activities, company formation and job creation.”

Faculty and students have criticized the administration for a lack of transparency beyond these details. University leaders have answered very few questions about their vision, repeating that it is still in planning stages and many decisions have not yet been made. On that same website, the university said the new center will be modeled after the Hoover Institution at Stanford University and a center at Oxford University.

While the Tribune had previously reported that wealthy, conservative UT-Austin donors Bill Holmes, Bob Rowling and Bud Brigham had been involved with the project, emails sent to and from Carvalho’s university email account show that GOP megadonor and Dallas billionaire Harlan Crow was also helping Carvalho and others develop the center.

In June 2021, Crow reached out to Princeton University professor Robert George, director of the James Madison Program in American Ideals and Institutions, to see if he could advise UT-Austin as it launched the institute, pushing for a center that runs independently of the university, which many donors characterize as a school controlled by liberal academics.

“I’m hoping that Jay [Hartzell] might want Robbie as an adviser in setting this up,” Crow wrote to Carvalho and others in July 2021 saying Hartzell and George had a phone call set up to discuss the center. “Robbie agrees that this UT program must have a lot of independence from the forces of the left. He believes the left will relentlessly try to emasculate and destroy our effort.”

According to Crow, George said it would be hard if the center was located in an existing school and “to get the best talent UT will need to honestly promise that it would move into an independent unit status.” George did not respond to a request for comment.

Crow told the Tribune he became involved in the efforts to launch the Liberty Institute because he is a donor to the Salem Center for Policy, which Carvalho runs. He said he was not closely involved in the day-to-day progress of the center and could not comment on its current status. But he said he supported the idea of countering “leftist advocacy” on the university campus.

“Anything you can do to restore balance with the university, not a political point of view, but intellectual and moral balance, seems to be a good thing,” he said.

While private donors repeatedly emphasized the importance of independence, Hartzell said in faculty council meetings during the semester that other centers on campus do not hire independently.

“This institute or center, or whatever [it] ends up being named, is going to conform with the way we run centers and institutes at the University of Texas at Austin,” he said at a March faculty council meeting. “Centers and institutes don’t, for example, appoint tenured faculty.”

In an April article in The Texan, Carvalho said independence of hiring is paramount.

“There’s one thing, one key provision that makes or breaks this institution,” he said. “The provision is the independence of hiring.”

Disagreements over hiring

In the beginning of the fall semester, Carvalho expressed frustration in emails that the Liberty Institute was facing pushback.

At one point in early October, Crow sent him an email telling him he was thinking about him.

“I completely realize that this has been a roller-coaster year for you, more for you than anybody. I know it has been hard, and I know it is hard right now,” Crow

said. “Of course, I don’t know how this Liberty Institute will turn out. I don’t even know if it will happen. My main priority is that it will happen. If it happens and if it is possible for you to have a meaningful role in it, that would be terrific.”

Around that time, Hartzell invited Carvalho to be on a steering committee on a new philosophy, politics and economics program. The committee was asked to help develop the program’s vision and create a wish list of faculty to possibly hire. In the email, Hartzell said this new program would be supported by an institute, “what you have probably heard of as the ‘Liberty Institute.’”

“This institute will provide the resources to attract top scholars, to provide new opportunities for our students, and to offer increased intellectual diversity and breadth to campus,” Hartzell wrote.

A subset of the committee would focus on launching the institute, including hiring, finding the director and deciding its name.

Carvalho agreed to participate. But five months later, he wrote to two UT-Austin professors and said he had withdrawn from the committee because he disagreed with the university’s hiring process for the executive director.

“I am not at all supportive of the appointment that Jay Hartzell is trying to push,” he wrote. “When I sat out to write the proposal for the Liberty Institute I was aiming to build a high quality place with Hoover as the inspiration model.”

He added that he had conversations with professors from the University of Chicago and Columbia University about the effort.

“What we are getting instead, is a mediocre attempt to appease external pressure,” he said.

UT-Austin professor John Gerring responded that he “share[s] his sentiment.” He declined to comment further to the Tribune.

In late March, UT-Austin business professor Brian Roberts mentioned in an email to Carvalho that the university was bringing University of Missouri professor Justin Dyer to interview for the position. Dyer, who holds a doctorate from UT-Austin, is a self-described “pro-life evangelical.”

“Justin is a good guy, but I don’t think he has the needed prominence to make this institution a reality,” Carvalho said. “I am also very disappointed by the lack of a proper national search for a director. We could have done a lot better!! Jay Hartzell likes people he can control, not top scholars!”

Roberts responded that he was in agreement about Dyer.

“His name came up very early, so somebody had their eye on him,” Roberts wrote.

Dyer did not immediately respond to a request for comment.

In mid-April, Daniel Brinks, chair of the government department, confirmed that the executive committee of the government department voted that Dyer met the requirements for tenure in the department, which is one of multiple steps in the university’s hiring process. It’s unclear where Dyer is in the hiring process.

The university posted the job description on its website in January. Carvalho told the Tribune a hire of this level would usually involve a search firm and a large group of candidates.

“Obviously not the case here,” he wrote. “In addition, the proposal to the [Legislature] called for an external faculty advisory board (again, of leading scholars) to be formed to advise the university on this hire. Yet another item in the proposal the president decided not to pursue.”

Disclosure: Robert Rowling and University of Texas at Austin have been financial supporters of The Texas Tribune, a nonprofit, nonpartisan news organization that is funded in part by donations from members, foundations and corporate sponsors. Financial supporters play no role in the Tribune’s journalism. Find a complete [list of them here](#).

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Exhibit 19g



How UT-Austin Administrators Destroyed an Intellectual Diversity Initiative

JUL 1, 2022



Richard Lowery



BY NOW, ONLY THE MOST DISHONEST OR INTENTIONALLY IGNORANT OBSERVERS DENY THE EXISTENTIAL crisis facing higher education. Universities no longer even maintain the pretense of dispassionate

rational and free inquiry, focusing instead on a particularly toxic and frankly absurd form of “social-justice” activism, increasingly even in the hard sciences.

Why does this situation persist? Here, I can contribute to our understanding, having had a front-row seat to perhaps the most spectacular failure of a higher-education reform effort in recent memory: the “Liberty Institute” at the University of Texas at Austin.

No other recent effort that I know of has boasted the same combination of ambition, near success, and, ultimately, abject and total failure. The effort was undone not through the machinations of the campus Left but through weakness on the part of supposed conservatives, a lesson that anyone else wading into reform efforts should learn.

Our story starts with a small group of faculty in the business school at UT-Austin, who recognized the need to push back against the growing dominance of left-wing social-justice activism on campus. One of us, Carlos Carvalho, was given an opportunity to lead a small, policy-focused center within the business school. Over a few years, we built the Salem Center for Policy into one of the most active centers on campus.

What we saw at UT was a huge gap in the study of how free societies function.



As these activities built up, we developed an increasing network of supporters who encouraged us to pursue more ambitious goals. This was the genesis of what became known as the “Liberty Institute.” We drafted a brief proposal for an independent academic unit that could house faculty with perspectives and research agendas that would disqualify them from employment elsewhere on campus.

What we saw at UT-Austin was a huge gap in the study of the fundamentals of how free societies function, as well as the relationship between freedom and human flourishing. Virtually all other areas on campus where such ideas were explored effectively required that teaching or research take a perspective that such societies are, in fact, oppressive; that radical social change is necessary; and that activism designed to undermine the traditional foundations of free societies is a moral imperative. Beyond the obvious inappropriateness of presupposing such conclusions, such criteria were also clearly at odds with easily observable facts. Thus, effort was needed to restore sensible analysis to UT-Austin.

The proposal we developed gained significant positive attention, and potential supporters reached out to UT President Jay Hartzell to express their enthusiasm. The president begrudgingly acceded to the idea of pursuing the plan.

At this point, the university, potential donors, and Professor Carvalho further developed a plan that called for an independent academic unit (thus, a college or a department) with the ability to hire tenure-track faculty. This unit would offer a significant number of classes, along with a major (Politics, Philosophy, Economics, and Evidence), a minor, and a master’s degree. We would also be tasked with significant outreach to high-school students throughout Texas.

This plan, as agreed to by the UT president and the chairman of the Board of Regents, gained support at the legislature, and funding for the project was added to the 2021 budget. We thus prepared to implement the

plan. Carvalho proposed to the president an initial committee of UT faculty to work on the project, but we never heard back from him.

Instead, many months passed as we worked with other interested faculty on developing ideas for classes, curriculum, and potential hires.

During this time, UT's president put a critical race theorist in charge of developing the Liberty Institute.



We now know that, during this time, UT's president put a critical race theorist in charge of developing the Liberty Institute. That administrator, [Richard Flores](#), belonged to the almost exclusively CRT-focused [Mexican American Latino/Latina Studies Department](#). An initial attempt to place the Institute in the business school, under our far-left dean, failed when she refused to cooperate. Having previously removed from her office portraits of previous deans and of our

naming benefactor, Red McCombs, because there were too many white men, she obviously did not embrace our project.

Then, in late August, *The Texas Tribune* ran a [hostile article](#) on the project, which led to a continuing sequence of hostile Faculty Council meetings in which UT professors attacked the idea, opposing anything even potentially conservative coming to campus. This *Tribune* article was explicitly used as an excuse to default on the original plan that had been agreed to with the state.

After the article appeared, Professor Carvalho was called to a meeting with President Hartzell about how to move forward. Unbeknownst to Carlos, Richard Flores was also included in this meeting, and he laid out how the Institute would proceed. Flores's directive, with the full support of President Hartzell, was that Carlos could proceed with the Institute only by finding people whom existing departments wanted to hire and providing those departments with the funds appropriated by the state.

This was clearly a complete default on what the university had agreed to with the legislature. The entire purpose of the project was to bring a set of ideas and approaches that existing departments filtered against because of their [extreme political biases](#).

At this stage, Carvalho rejected the Flores plan and insisted on continuing with the one agreed to with the legislature. He then communicated what had happened to potential donors, which apparently led them to contact people in government who had backed the plan. To our chagrin, the outcome of this communication was that the chair of the Board of Regents, Kevin Eltife, banned Carlos from any further involvement in the Institute.

Here was the moment when the project could have been saved. Either the government could have come in and insisted that the original plan be followed, or potential donors could have presented a united front to demand follow-through and the creation of a meaningful institute. Instead, everyone caved completely to the university.

Carlos was unceremoniously disinvited from a planning meeting between him and donors, apparently at the insistence of the UT President, who attended the meeting instead. Two out of the three core donors fully

It was conservative politicians and donors, not Marxist faculty, who brought it down.



assented to his exclusion from all further involvement, effectively ending any say on the part of faculty who had brought the plan together.

There was then a successful campaign to impugn Carlos's character, exactly in line with the efforts (notably also led by Richard Flores) to undermine Rob Koons, the last faculty

member at UT-Austin to attempt such an endeavor.

We continued to fight for the original vision, laying out exactly why the Flores plan would be nothing more than a counterproductive fig leaf, but all of our support evaporated as the university dug in. Ultimately, it was conservative politicians and donors, not Marxist faculty, who brought it down out of their unwillingness to confront a supposedly prestigious Texas institution.

At this point, President Hartzell began his campaign to maintain the illusion of progress on the Liberty Institute. He established a faculty committee that included Loraine Pangle, who was brought in as a professor at UT specifically to kill the previous attempt to do something along these lines.

Subsequently, a secret committee, apparently run by William Inboden, started a "search" for a director. This search immediately focused on a single name, Justin Dyer, who had established the Kinder Institute at the University of Missouri, taking conservative donor money but coordinating with a leftist to create something that could be used to shield the university from further criticism without actually challenging campus orthodoxy.

Dyer and Inboden apparently have a long relationship. Dyer was even reporting information about the faculty who worked on the UT project to Inboden and the President's Office. We never saw a posting or learned about the search until it was basically concluded, giving us no opportunity to bring in alternative candidates who would actually support the plan.

Remarkably, Dyer received a favorable tenure vote despite clear misgivings about his quality as an academic. Academic standards and the objectives of the state were sacrificed to avoiding conflict with leftists while creating the appearance of activity.

Thus, we now have the beginnings of an institute that will both be intellectually mediocre (at best) and have no ability to fulfill its mission to bring underrepresented but important ideas to campus. The extreme hostility of the faculty toward this project shows the desperate need for something serious along these lines. However, with the current administration at UT-Austin, nothing will be possible without far more direct state intervention.

Richard Lowery is an associate professor of finance at the University of Texas at Austin. He is an applied game theorist and studies strategic interactions within financial institutions.



AUTHOR
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Exhibit 19h

Merit, Fairness, and Equality

by Dorian S. Abbot, Ivan Marinovic, Richard Lowery, and Carlos Carvalho

Aug 5, 2022

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This is a draft of a chapter we have submitted to Book II: “How to Keep Free Inquiry Alive” of the “Free Inquiry Papers” project edited by Robert Maranto, Sally Satel, Catherine Salmon, and Lee Jussim. We welcome comments, feedback, and suggestions.

Introduction

Diversity, Equity, and Inclusion (DEI) bureaucracies are now ubiquitous at universities. However, DEI is in tension with the telos of a university: the pursuit of truth through the production and dissemination of knowledge. DEI programs also violate the moral principles of treating all human beings equally and not using them as mere instruments to achieve socio-political ends. In order to protect the integrity of universities it is necessary to offer an alternative to the DEI agenda.

The widespread adoption of DEI has been facilitated by faculty and administrators who were told that DEI would help reduce bias and lead to a fairer system. We have proposed an alternative to DEI, which we call Merit, Fairness, and Equality (MFE), that aims to deliver on the promise initially made by DEI, namely unbiased selection (Abbot and Marinovic, 2021). MFE acknowledges that biases may affect a selection process and seeks to eliminate them, but maintains a strict meritocratic framework where every candidate is treated equally and fairly. Critically, MFE is concerned primarily with establishing fair processes, and would never try to enforce quotas or race preferences, nor would it restrict speech as DEI often does. In sum, MFE delivers on the promise that DEI made but cannot accomplish: it would reduce bias and lead to a fairer system, while maintaining strict academic standards, promoting freedom of expression, and advancing the core mission of universities.

In this chapter we will lay out MFE in more detail, and contrast it with DEI. First we will discuss our criticisms of DEI. Then we will give an outline for MFE and a guide for

practical implementation at a university. Finally we will respond to objections to MFE and conclude.

Criticism of DEI

DEI is a utopian ideology. It seeks to enforce equality of outcome across identity groups, notably race and sex, although the exact goal is poorly defined since the reference population for determining appropriate representation could be the city, state, country, or world. It employs a bureaucracy convinced that “systemic bias” is the main (and often only allowable) explanation for any under-representation of women and minorities in activities and scientific disciplines. DEI never considers the possibility of alternative explanations for under-representation in some disciplines (e.g., Theoretical Physics) other than a conspiracy carried out by the oppressor (i.e., white and Jewish men) against the “oppressed.”

Like many other utopian ideologies, DEI is illiberal. It is becoming increasingly apparent that DEI is fundamentally hostile to free expression and open inquiry (FIRE, 2022). Universities are making official commitments to the DEI doctrine, something unprecedented for institutions previously devoted to the unfettered search for truth. In many places, applicants are asked to make loyalty oaths to DEI to be considered for faculty or administration positions (Thompson, 2019). Others are sanctioned for their speech and in some cases even fired (Galbraith, 2022; Acevedo, 2022). Mandatory DEI training for students and faculty is spreading rapidly across universities, a flagrant violation of the freedom of conscience (Paul and Maranto, 2021).

The utopian nature of DEI reaches tragicomic levels in its attempt to create a more “inclusive” environment by codifying and sanctioning “microaggressions,” namely comments that may potentially upset someone, even unintentionally (UCSC, 2014). This very idea and the arbitrary nature of the microaggression list can only produce fear, segregation, and mistrust: exactly the opposite of inclusion. It is also a radical departure from the principle of charity, a fundamental principle for any liberal institution.

A critical factor in the adoption of DEI has been the bait and switch method. Stakeholders are promised that DEI will promote “fairness,” only to find out later that the DEI version of fairness involves explicit discrimination on the basis of race and sex

as well as violations of free speech and academic freedom on campus. One source of this confusion is that the terms diversity, equity, and inclusion in DEI sound good, but are not being used with their traditional definitions. Most importantly, DEI's equity does not mean fair and impartial treatment. Instead, it means enforced equal outcomes on the basis of identity group, or even preferential outcomes for so-called "traditionally oppressed," "marginalized," or "minoritized" identities. Moreover, when many people agree to increasing diversity they think they are endorsing diverse perspectives, opinions, and political orientations, which might improve educational outcomes, but this is neither the goal nor the outcome of DEI initiatives. Diversity in DEI is generally restricted to favored identity groups, usually those defined on the basis of innate characteristics such as race and sex. Finally, inclusion is the most counterintuitive of the trio because it often means just the opposite: exclusion of "undesirables" and "deplorables." For example, under DEI a politically conservative Christian can be excluded because of the worry that his perspectives and arguments might upset progressives, homosexuals, feminists, etc. (O'Donnell, 2022). Ultimately, this is an attack on Martin Luther King's "dream" and the civil rights movement.

Our primary argument against DEI is ethical: DEI contravenes the basic moral principle that all human beings should be treated equally. It mandates discrimination against applicants on the basis of group membership, which is an affront to their inherent dignity and human rights. Furthermore, DEI treats human beings merely as means to a political end. This shows a surprising disregard for the lessons of history: The catastrophic ideologies of the 20th century also sacrificed individual dignity for the sake of collective social utopias.

DEI encourages identity politics, thereby eroding social cohesion. It is oriented around quotas and set-asides for favored identity groups, which encourages tribalism and balkanization. It teaches that the best way to improve your situation in life is through identity warfare and identity politics activism, rather than through diligence and hard work. If we want to see the effects of this type of thinking on a society, we need look no further than Lebanon or Iraq, where identity politics rules the roost.

DEI makes heavy use of Marcuse's concept of repressive tolerance, which asserts that society has not progressed enough to allow the free exchange of ideas, so non-progressive expression must be restricted (Marcuse, 1965). One aspect of this is overt

political discrimination through the vilification of non-progressive perspectives, often via official emails and statements on university websites issued by university leaders and DEI officers. Moreover, it has become common to attempt to prevent the entry of moderates and conservatives into the professoriate through DEI statements during the application process that compel progressive political speech (Thompson, 2019). Additionally, widespread enforcement of DEI ideology through required training, as well as a hostile atmosphere created by the fear of cancellation by mobs of students encouraged by DEI administrators, are forcing moderate and conservative professors out of academia and into industry or retirement (Boghossian, 2021; Peterson, 2022; Manson, 2022). Finally, aggressive use of “Bias Response Teams” chills speech by imposing unconstitutional impediments to free expression even at public universities (Jones, 2020).

DEI’s antagonism toward free expression extends beyond political discrimination to academic freedom and open inquiry on campus. DEI encourages academics to think of themselves primarily as activists rather than as seekers of truth. The truth may not be consistent with the ideology or the social change that is sought, and DEI prioritizes ideology when such a conflict arises. If an academic pursues honest, data-based research that yields findings inconsistent with DEI dogma, he can be skewered on social media and in letters of denunciation presented to his chair and dean and eventually sanctioned (see, e.g., the case of Roland Fryer at Harvard (Montz, 2022)). He can be deplatformed, disciplined, or dismissed because his findings are not “inclusive” and hearing them might “harm” students (Flaherty, 2021). Since universities’ fundamental purpose is the production and dissemination of knowledge, “inclusion” defined in this way represents an existential threat to their core mission.

Finally, DEI is bad for the people it claims to help. It undermines their claim to be legitimate members of the academic community who earned their spot there, even though many clearly are. It infantilizes members of favored groups and discourages them from developing an independent identity based on intellectual perspective rather than innate characteristics. It insulates students and faculty from alternative perspectives and worldviews, so that when they encounter them they are unable to provide rational counterarguments and end up crying (Becker, 2016), screaming

(Downey, 2022), sputtering nonsense, and demanding that their interlocutors be silenced instead (Beinart, 2017).

Outline of MFE

MFE stands for Merit, Fairness, and Equality. In MFE all academic decisions are based on academic *merit*, with no other considerations taken into account. In this way each applicant and idea is treated *fairly*, and not evaluated on the basis of any non-relevant criteria. This promotes the mission of universities: the production of knowledge. But it also produces a morally justified approach. In deference to their individual dignity, each person is treated *equally* and given an *equal* shot.

MFE is what many people thought DEI was when it was originally introduced. MFE acknowledges that biases exist and seeks to eliminate them, but maintains a focus on academic excellence, the pursuit of truth, and the meritocratic selection of students and faculty. MFE seeks to identify and use unbiased predictors of performance in evaluations, and is always open to better predictors if they can be identified. The key point, however, is that the metric for success is always academic excellence, and the resulting distribution of immutable characteristics among those selected is never taken into account.

An MFE-based hiring or admissions process must strive to treat each applicant equally and impartially. It must therefore avoid any attempt to artificially enforce quotas, targets, or set-asides based on group identity. Ideally, a search would be as blind to non-merit criteria as possible. For example, a hiring committee might not discover the identity characteristics of the candidates until the job interview and an undergraduate admissions committee might never discover them. Moreover, searches would favor objective criteria over subjective and easily manipulated criteria such as “fit” or “personality.” Leaders would encourage a culture where applicants are not discriminated against for their political beliefs through lectures, directions for hiring initiatives, and training. Critically, overt political discrimination such as compelled speech through “DEI statements” would be explicitly forbidden. In sum, all candidates would be equally welcome and have equal opportunity to compete and succeed. In other words, universities adopting an MFE approach would actively strive to implement hiring

programs consistent with the Constitution and federal law (Ho, 2021), rather than trying to skirt them (Bonham, 2021).

Part of developing hiring and admissions processes that are as fair as possible is providing appropriate accommodations for people with disabilities and trying to reduce biases that can be clearly identified. A critical examination of biases, however, must be free to identify and attempt to eliminate biases against any group, including those against Asians (Mortara et al., 2018) and men (Perry, 2022). Similarly, the mere presence of different success rates among different groups, in and of itself, can never be used as evidence that the process is biased. Because no social institution is free from error, it will be necessary to continually refine an MFE hiring processes, monitoring for and addressing possible biases introduced by any metrics and algorithms, as well as fixing any weaknesses in the system as a whole.

To effectively pursue the truth, a university must seek out and encourage a diversity of viewpoints and opinions. Equality implies that each member of the academic community must have an equal opportunity for expression on campus. No idea should be considered off limits simply because it offends someone. Finally, the ideas generated need to be judged by the academic community based on their merits, not whether some authority deems them to be “disinformation” or even dangerous, and not based on the identity of the people promoting them. Ultimately, the university should identify those most likely to make contributions to human knowledge and give them a place that most facilitates creating such contributions, not hand out rewards to individuals based on their status as representatives of some particular identity group and then insulate those individuals from uncomfortable knowledge and ideas.

There are a variety of other issues surrounding university functioning that can be oriented around MFE. Grades in courses must be based on academic performance, with no other factors taken into consideration. Speaker invitations must be based on the merit of the speaker’s arguments, not their innate attributes. Students should not feel intimidated about expressing politically unpopular opinions in class and professors should strive to present multiple interpretations if there is legitimate disagreement on an issue. Professors should not force their own ideological commitments on their classes. Scholarly citations and reading lists must be based on the intellectual quality of the cited works, not the identity of the authors.

Practical Implementation of MFE

The first step for a university wishing to adopt an MFE framework is to officially enact policies to support it. A good starting point is the “Chicago Trifecta” of the Shils report (Shils et al., 1972), Kalven report (Kalven et al., 1967), and Chicago Principles (Stone et al., 2014). The Shils report mandates that faculty hiring and promotion decisions can only be made on the basis of research, teaching, contribution to intellectual community, and service, with a strong preference for research. Each university can tailor such a statement to its own needs, for example giving preference to teaching, while ensuring that only relevant skills are taken into account. Moreover, similar reports could be adopted guaranteeing that admission is based only on past and prospective academic achievement. The Kalven report mandates that the university, and any unit of it, cannot take an official stance on any social or political issue. This should rule out admissions and hiring on the basis of identity characteristics, since to do so is to take a social and political stand, so the Kalven report reinforces the Shils report. But it also protects dissenting scholars who advocate political positions that are unpopular on campus. This point is taken further by the Chicago Principles, which explicitly guarantee all community members the right to make intellectual arguments unmolested and unpunished, even if someone else claims to be deeply offended. The Chicago Trifecta provides a strong starting point that any university can adopt to immediately promote Merit, Fairness, and Equality on its campus.

After appropriate policies are in place, they must be rigorously enforced. Incoming students and faculty need to be made aware of them, and there needs to be real consequences for violations. For example, if a department can be shown to have made a hire for non-merit-based reasons, the department chair should be held accountable and in some cases even lose his position. If a dean or provost is found to have pressured a department chair to make a non-merit-based hire, he should be held accountable. If students disrupt a seminar because they disagree with the speaker, they should be penalized and in some cases expelled. This may seem harsh, but strict enforcement of policies with real teeth is necessary in the current situation, in which hundreds of adult law students at Yale recently disrupted an intellectual discussion on free expression and physically endangered the participants with no consequences (Sibarium, 2022). The responsibility for enforcing an MFE regime ultimately rests with the university

president and the board of trustees who appoints him. Individuals who occupy these positions need to be selected carefully and take seriously the grave responsibility with which they have been entrusted. Additionally, a university could appoint an office to oversee and enforce MFE.

Debunking Myths About MFE

Myth 1. MFE does not advance the social good: The primary role of a university is the production and dissemination of knowledge. This pursuit has proven to be of immense social good. Universities do not need to apologize for doing their job and try to find some other social benefit to justify their existence. The pursuit of truth is sufficient and we need to be ready to confidently assert this. Moreover, since DEI impedes the production of knowledge, it actually interferes with the social good that universities do. If we appoint an engineering professor based on identity rather than competence and bridges start falling down, this is counterproductive from the perspective of social welfare. It is also important to remember that meritocracy itself serves the social good. We hire LeBron James to play basketball simply because we think he is the best and society as a whole benefits from watching him play, regardless of whether he deserves his gift or not. Similarly, society benefits when we are able to identify, train, and employ the most talented airplane designers, software engineers, surgeons, etc. It is true that some young people have advantages that others lack, and this can be ameliorated somewhat by making sure everyone has access to high-quality education, but all people benefit when resources are allocated to those best able to exploit and develop them.

Myth 2. Meritocracy is a myth: This objection is a rhetorical sleight of hand. The claim is essentially that because humans design meritocratic evaluations there will always be flaws in them, therefore we should end meritocratic evaluations altogether and select candidates based preferentially on other criteria. But this is a logical error: the latter does not follow from the former. We agree that meritocratic evaluations are not perfect, but the way to deal with this is to continually improve them through quantitative analyses, longitudinal studies of eventual success, and careful reflection on potential biases. To take a practical example, many departments have recently stopped requiring the GRE for graduate school admissions. Of course the GRE is not a perfect predictor of graduate school success, but it happens to be the best one we have (Kuncel et al., 2001; Kuncel and Hezlett, 2007; Kuncel et al., 2020). Moreover, it is the only metric rigorously

evaluated for bias and proven to be unbiased (Kuncel and Hezlett, 2007). The real myth is that meritocracy is a myth, and it is being spread by people who are fundamentally not interested in producing the best scholars, science, and scholarship.

Myth 3. Diversity is an important aspect of merit: This objection originates from Justice Lewis Powell's opinion in the 1978 Regents of the University of California v. Bakke Supreme Court case, which found that immutable characteristics can be taken into account during admissions only if having a diverse student body can be shown to improve the educational experience of all students (Wood, 2022). Those advocating quotas and set-asides based on identity for "social justice" purposes then switched to arguing that increased diversity would improve the educational experience. This is a disingenuous argument, however, because it is never extended to diversity of opinion or perspective. In fact, diversity based on immutable characteristics would only be useful from an educational perspective if it could be shown to increase viewpoint diversity. From an educational perspective it is extremely counterproductive to select a student body who look different from each other but all think alike, which is exactly what DEI attempts to do. Although there are occasional claims to the contrary, a metaanalysis of all available data shows that ethnic/racial/sex diversity has a negative or neutral impact on team outcomes, whereas diversity in values and perspectives has a neutral or positive impact (Wang et al., 2019). There is therefore no outcome-based justification for selecting less qualified candidates simply because they would make a team more diverse based on ethnicity/race/sex.

Myth 4. Respect for diversity of opinions may allow heterodox thinkers or even extremists to become faculty members and spread offensive ideas: Strictly speaking this is not really a myth, since it is true that MFE allows community members to share views that someone might find offensive. But there is a well-known antidote to bad speech, should it occur: more speech, not the suppression of speech. Jefferson put it better than anybody: a university should not be "afraid to tolerate any error so long as reason is left free to combat it" (Jefferson, 1998). Moreover, the presence of heterodox opinions on campus is beneficial to all because sometimes they turn out to be right, and even when they don't, having to contend with them improves everyone else's arguments. In On Liberty, John Stuart Mill reminds us that "He who knows only his own side of the case knows little of that" (Mill, 1998). Additionally, the most obvious effect that fostering a diversity of

views will have is to create a less hostile environment for conservatives and moderates who are routinely subjected to discrimination on campus (Kauffman, 2021). Finally, it is important to point out that the extremist objection is usually not raised in reference to the 26% of sociology faculty and 18% of all social science faculty who self-identify as Marxists, which suggests that there is political bias built into this objection (Gross and Simmons, 2007).

Conclusion

We propose Merit, Fairness, and Equality (MFE) as a framework for student and faculty selection. Unlike DEI, MFE allows a university to address potential biases without violating the fair and equal treatment principle, and without sacrificing freedom of expression. The MFE concept does not belong to us, and we hope that others will adopt it as their own and build on it. MFE is inherently flexible, adaptable to different situations, and open to improvement through learning and experimentation. The more universities adopt MFE and share knowledge generated, the better it will become. Even if your university is unwilling to adopt MFE, you can strive to practice it in selecting your own graduate students and postdocs, as well as in your advocacy for hiring and promotion of faculty, and for freedom of expression on campus.

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Bios

Dorian Abbot (abbot@uchicago.edu) is an associate professor in the Department of the Geophysical Sciences at the University of Chicago. In his research, he uses

mathematical and computational models to understand and explain fundamental problems in Earth and Planetary Sciences. He has worked on problems related to climate, paleoclimate, planetary dynamics, planetary habitability, and exoplanets. Dorian is a member of the Council of the Faculty Senate at the University of Chicago, a co-founder of the faculty group UChicago Free, a founding member of the Academic Freedom Alliance, and a co-founder and moderator of The Heterodox Academy STEM Community (HxSTEM). He has written and spoken publicly extensively on issues related to academic freedom. Dorian was awarded the 2021 Hero of Intellectual Freedom Award by the American Council of Trustees and Alumni and the 2022 Courage Award by the Heterodox Academy.

Iván Marinovic (imvial@stanford.edu) is an associate professor of Accounting at the Stanford Graduate School of Business. He is an applied game theorist who studies contract theory and information transmission in capital markets. Iván is a co-founder of the Stanford Classical Liberalism Initiative and the Stanford Academic Freedom Alliance. He is also a co-founder of the Accounting and Economics Society.

Richard Lowery is an Associate Professor of Finance and has been at UT since 2009, when he completed his Ph.D. in Economics at Carnegie Mellon University. He is an applied game theorist, with research in banking, investment banking, real estate, and other topics. His academic work has appeared in the Journal of Finance, the Journal of Political Economy, and other outlets, and his public commentary has appeared in the Financial Times, Washington Times, The College Fix and other outlets. Much of his work focuses on understanding collusive behavior and other sources of potential inefficiencies in financial markets.

Carlos M. Carvalho is Professor of Statistics and the La Quinta Professor of Business at The University of Texas at Austin. He develops statistical models for causal inference and empirical finance. He is the director of the Salem Center for Policy. Carlos received his Ph.D. in Statistics from Duke University. His research focuses on Bayesian statistics in complex, high-dimensional problems with applications ranging from economics to genetics. Before moving to Texas, Carlos was on the faculty at The University of Chicago Booth School of Business.

Two additional authors contributed to this work, but cannot reveal their identity due to potential retaliation.

9 Comments



Write a comment...



Dorian Abbot Aug 5, 2022 Author

I like your proposal about improving outreach and education. We included that in the original MFE article. Maybe we should add a paragraph to this chapter. Thank you!

LIKE (1) REPLY ...



Marie Kennedy Writes Post-Woke Aug 5, 2022 Liked by Dorian Abbot

I definitely agree an alternative framework to DEI is overdue. Personally I'm not quite willing to throw out the idea that DEI might actually be workable if it committed to the fullest senses of the words Diversity (of backgrounds and perspectives), Equity (fairness), and Inclusion (of everyone). But I work as an engineer in industry, not academia, and we have been much more conservative about DEI efforts—if I were in academia I could imagine concluding the whole enterprise is unsalvageable.

My concern with your proposed MFE framework is that it fails to address or even acknowledge the root problem that DEI claims to care about resolving, namely: why are we seeing racial and gender disparities in high-status fields and to what extent is it due to bias, individual or systemic? A rigorous, STEM-informed approach to the problem would admit that we do see disparities and it is worth some amount of effort to address potential root causes BUT within the bounds of "fairness." For example, outreach efforts to low-income schools to expose kids to STEM and encourage careers in STEM is Fair, and would increase Diversity of background in the field. To hyper-focus on Merit might lead one to throw up one's hands and say "well it's not my fault there aren't enough qualified Black high school students to admit to our program." Truly it's not a university's *fault,* but there is room to improve Fairness in becoming prepared and aware of opportunities that some students do not have Equal opportunity to access. "Equity" done right means proactively providing opportunities to students who don't organically get them, BUT it doesn't mean all the students who need extra access are Black and all the students with a jump start are White. The fatal flaw of DEI (ok, one of many) is presuming that access to opportunity is 1:1

correlated to skin color. A STEM-informed approach to DEI would be laser-focused on understanding true causality of disparities and addressing the true root causes that violate principles of fairness, while acknowledging a residual level of disparity will remain due to free will and cultural clustering of life choices, and that's ok.

On that note, I do not think "treating all humans equally" is compatible with "meritocracy." Some people are born with more innate STEM abilities than others, and it's ok to treat people differently on that basis. But we know STEM abilities are also nurtured by high-quality education, which correlates strongly with family wealth. Do we want to admit students from, say, lower quality schools, or first-generation college applicants, who show high potential but maybe score slightly lower on standardized tests than kids from elite prep schools? I think we should, so long as we're willing to invest in helping them succeed. But that's not the same as using skin color as a selection factor! Of course, once a person has graduated from university and is applying for jobs in academia, it's a different story, and one could argue that the playing field should probably be considered pretty-well leveled.

Long rambling, but again, I applaud the effort to not just poke holes at DEI but offer a substantive alternative!! Best of luck.

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Exhibit 19i



HIGHER ED BUBBLE POLITICS

'Liberty Institute' proponent says university interfered with his plans

ALY BUCKNER - UNIVERSITY OF VIRGINIA
AUGUST 5, 2022



UPDATED

Original proponent says bureaucrats have taken over his proposal. But university did select an Evangelical, social conservative as a director

A plan for a new policy center dedicated to intellectual diversity at the University of Texas at Austin was recently overtaken by university administrators and their appointed staff, according to a professor behind the initiative.

The plan for the center, which would be called the Liberty Institute, came from a small faction of faculty in the business school who recognized the need for greater intellectual diversity and a counter to the increasing left-wing dominance of UT-Austin curriculum.

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university has turned its back on inquiry in favor of advocacy.”

Led by professors Richard Lowery and Carlos Carvalho, this plan sought to reinvigorate the campus culture with an opportunity to learn, grow, and thrive without “being required to, in effect, undergo political training.” Professor Lowery **detailed** his concerns recently in an essay for the James G. Martin Center for Academic Renewal.

After initial agreement by the UT president and the chairman of the Board of Regents, the plan came to a halt when Carvalho proposed the initial committee of faculty to work on the project, Professor Lowery alleged. In the time that Carvalho and Lowery (*pictured*) were developing their ideas for new classes and faculty, the president of UT appointed Richard Flores to assist with the process. Lowery alleges that Flores is a critical race theorist.

Flores’ directive for the program included a plan to find staff who had already been approved for hire by existing departments, as well as providing state funds to those academic units. Carvalho rejected this plan and was subsequently banned from any further involvement with the institute, according to Lowery.

However, the university did pick a conservative to run the institute.

Officials appointed Justin Dyer, founder of the Kinder Institute at the University of Missouri, to be the new director. Dyer is **a conservative** whose writings include a book comparing *Roe v. Wade* to the *Dred Scott* decision and **one** on C.S. Lewis and natural law.

The program is now known as the Civitas Institute, which Dyer explained is “a condensed Latin rendering of Mirabeau Lamar’s famous phrase that a ‘cultivated mind is the guardian genius of democracy.’”

The College Fix reached out to Professor Lowery regarding the recent developments in the Liberty Institute, asking his advice to conservative faculty at

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MORE: Harvard professors receive \$7.5 million for ‘Reimagining Capitalism’ research

Lowery told *The Fix* that “at this point it is hard to give any advice in good faith other than ‘give up.’ You will be betrayed by donors, alumni, and politicians. Your colleagues will whisper about how someone needs to do something, but they will never support you publicly. Most of the free speech organizations are just gifts.”

He went on to explain that “university administrators lie for a living. ... The only hope I see is to publicly shame the people who actually call the shots (regents, trustees, and politicians), but they seem invisible on these issues.”

The Fix asked Lowery whether he plans to continue to work with the Liberty Institute or if the hope for its success has disappeared.

He responded that he is “effectively banned from involvement in the ‘Liberty Institute,’ which is now called the ‘Civitas Institute,’ but even if I were not I would have nothing to do with that,” he said.

The College Fix also reached out to Dyer, director of the Civitas Institute, to ask what his vision is for the new program.

He explained that “it will be a community of scholars committed to exploring the ideas and institutions that sustain a free society and enable individuals to flourish. As an institution, the Civitas Institute will value independent thought, civil discourse, free speech, reasoned deliberation, and intellectual curiosity.”

Dyer went on to explain that the programs will explore “individual rights and civic virtue, constitutionalism and the rule of law, and free enterprise and markets.”

He stated:

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internally among the different factions of longstanding political coalitions that are today undergoing a period of critical reflection and realignment.

He also commented on his experience at the Kinder Institute, which he said “created an intellectually vibrant community that aspired to be what a university should be: a place where smart... curious people come together and learn from each other in the common pursuit of wisdom and truth.”

The Fix reached out to the UT-Austin president’s office to ask about the factors contributing to the decision to appoint Richard Flores to develop the institute, why they removed Carlos Carvalho from involvement and how the institute will contribute to intellectual diversity at UT-Austin. The office did not respond to the initial email or an additional follow-up.

The Fix also reached out to Flores for comment on his vision for the institute and how it will contribute to intellectual diversity, as well as the considerations behind exclusively hiring people from existing departments.

Flores did not respond to the initial email or a follow-up.

MORE: University agrees to allow pro-capitalism club back on campus

Editor’s note: The article and headline have updated with more information on Justin Dyer and Lowery’s allegations.

IMAGE: Salem Center

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As college doubles down on safe spaces and DEI students spin violent fantasies

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ABOUT THE AUTHOR

Aly Buckner

College Fix contributor Aly Buckner is a student at the University of Virginia. She is majoring in economics, and is an incoming student into the Accelerated Masters program at the Batten School of Leadership and Public Policy. Aly is the outreach coordinator of College Republicans at UVA, a founding member and editor of *The Jefferson Independent*, and is involved with conservative student outreach at UVA.

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Exhibit 19j

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Higher Ed Jobs: Only the Woke Need Apply (Commentary)

 **Heartland Author** August 10, 2022 2

By Richard Lowery

After hypocritically ranting about the threat to “academic freedom” posed by Lt. Gov. Dan Patrick’s higher education reform proposals, the faculty and administration at the University of Texas–Austin appear poised to end the remaining vestiges of free expression and free inquiry at our institution. The university’s “Diversity, Equity, and Inclusion” (DEI) policy – which already requires that those seeking hiring and promotion demonstrate political commitment to critical race theory and radical gender ideologies – will now be “sharpened,” apparently to include mandatory “diversity” statements from job applicants.

Such statements require every job applicant to discuss his work to increase “diversity, equity, and inclusion” in his professional life. These are explicit political tests, as has been made clear by their use in the University of California system, where only those candidates whose statements pass muster with the DEI commissars can be considered by departments for hiring. Lest one think that a university in Texas would not go this far, Texas A&M considers the Berkeley approach a recommended resource for implementing DEI policies. Thus, Texas is well on its way to implementing a ban on hiring those with even moderately conservative views to teach in public universities.

In other words, no conservatives need apply in Texas, and only those faculty who support the racist and sexist policies mandated by DEI in admission and hiring will be considered for employment or promotion. Decades ago, Texans fought hard to free our state of state-sanctioned racism, but our universities appear determined to bring it back.

The real threat to academic freedom in Texas comes not from Lt. Gov. Patrick's attempt to crack down on critical race theory at public universities – rather, it comes from the critical race theorists themselves and the administrators who cater to them. These are the people who seek to exclude dissenting ideas from campus, and they are now putting this desire into official policy.

Universities need bold thinkers who will fight the stultifying orthodoxy that has taken over campuses around the country. Forcing people to pay obeisance to leftist activists simply eliminates any hope for recovering our institutions. Even in the sciences, grants and promotions are increasingly given on the basis of having the right politics, as is the case in Russia or China.

Texas leaders on boards of regents and in the legislature must fight to restore free inquiry and integrity to public universities. They must have the courage to stand up to the radicals who have taken over and are driving out any dissenting voices. It is time to drop meaningless and counterproductive measures and to back the true principles of academic freedom. Stopping DEI requirements is the first step necessary in this process. In Texas colleges and universities, we must be free to teach – even if we're not woke.

Originally published by [RealClearEducation](#). Republished with permission.

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Exhibit 19k

UT Urges Business Professors to Give Content Warning to Potentially Offended Students

Pronouns, land acknowledgments, and diversity statements are also included in the syllabus template.

1 min read

Jake Peterson | August 11, 2022



A syllabus template from the University of Texas includes a land acknowledgment and a “content warning” section for potentially offensive content in the course, as the university aims to create an atmosphere of “sensitivity.”

Behold our new syllabus template at the McCombs School of Business. [#txlege](#) is this what you want to be paying for?

pic.twitter.com/rNYD4FtVxo

— Richard Lowery (@RichardLoweryTX) [August 10, 2022](#)

In a typo-filled section of the template, the McCombs School of Business suggests every professor include an apology to Native Americans in their syllabus, acknowledging that they are “meeting on the Indigenous lands of Turtle Island, the ancestral name for what is now North America.”

Richard Lowery, a finance professor at UT, highlighted the template on Twitter, saying, “Behold our new syllabus template at the McCombs School of Business. #txlege is this what you want to be paying for?”

The template also tells professors to “list your pronouns under your name and the name of your TA(s),” “acknowledge students may share with you the pronouns they use and/or a name that is different than what appears on the official roster,” and include “an inclusivity/diversity statement.”

“And pronouns!! Don’t forget your pronouns in your syllabus at McCombs,” said Lowery.

And pronouns!! Don’t forget your pronouns in your syllabus at McCombs. [pic.twitter.com/PzksmDXB19](https://twitter.com/PzksmDXB19)
— Richard Lowery (@RichardLoweryTX) [August 10, 2022](#)

Lowery outwardly speaks out against universities on his Twitter account, saying, “If you like the work I am doing, please support it by NOT GIVING MONEY TO UNIVERSITIES.”

Hi. If you like the work I am doing, please support it by NOT GIVING MONEY TO UNIVERSITIES. If you are a person of means, please support me by not giving large amounts of money to universities. Consider a superyacht instead. I have heard good things about superyachts.

— Richard Lowery (@RichardLoweryTX) December 15, 2021

Concerned Texans may contact the University of Texas Board of Regents at (512) 499-4402 or via e-mail at bor@utsystem.edu.

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Jake Peterson

Jake Peterson is a journalism fellow for Texas Scorecard. During high school he competed in speech and debate and now works to teach the unbiased truth, and expose corruption.

Exhibit 19I



CURRICULUM POLITICAL CORRECTNESS

Business school professors advised to warn students about possible curriculum-induced trauma

JENNIFER KABBANY - FIX EDITOR
AUGUST 11, 2022

CONTENT WARNING

Our classroom provides an open space for the critical and civil exchange of ideas. Some readings and other content in this course will include topics that some students may find offensive and/or traumatizing. I'll aim to forewarn students about potentially disturbing content and I ask all students to help to create an atmosphere of mutual respect and sensitivity.

University of Austin at Texas business school professors have been advised to warn their students about possible curriculum-induced trauma.

The recommendation was sent by Ty Henderson, associate dean for undergraduate programs for UT-Austin's McCombs School of Business, who emailed the school's business professors a 12-page syllabus template on Wednesday obtained by *The College Fix*.

The "content warning" section included the following suggested paragraph:

Our classroom provides an open space for the critical and civil exchange of ideas. Some readings and other content in this course will include topics that some students may find offensive and/or traumatizing. I'll aim to forewarn

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students about potentially disturbing content and I ask all students to help to create an atmosphere of mutual respect and sensitivity.

The syllabus template also proposed that scholars include a “land acknowledgment”:

I would like to acknowledge that we are meeting on the Indigenous [sic] lands of Turtle Island, the ancestral name for what is now North America. Moreover, I would like to acknowledge that Alabama-Coushatta, Caddo, Carrizo/Comecrudo, Coahuiltecan, Comanche, Kickapoo, Lipan Apache, Tonkawa, Ysleta Del Sur Pueblo, and all the American Indian and Indigenous Peoples who have been or have become a part of these lands and territories in Texas.

Additional syllabus recommendations included statements on diversity and inclusion and preferred gender pronouns:

DIVERSITY AND INCLUSION

It is my intent that students from all diverse backgrounds and perspectives be well served by this course, that students’ learning needs be addressed, and that the diversity that students bring to this class can be comfortably expressed and be viewed as a resource, strength and benefit to all students. Please come to me at any time with any concerns.

PERSONAL PRONOUN PREFERENCE

Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender, gender variance, and nationalities. Class rosters are provided to the instructor with the student’s legal name. I will gladly honor your request to address you by a name different than what appears on the roster, and by the gender pronouns you use. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

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While the diversity and inclusion and preferred gender pronouns disclosures are not required, “they are often included in syllabi and are considered important for students as they engage with and navigate your course and the university,” professors are told in the document. “You are strongly encouraged to provide [them] in your syllabus (provost).”

Under a separate section labeled “student rights & responsibilities,” one suggested proviso for students states: “You are responsible for creating an inclusive environment and for speaking up when someone is excluded.”

Despite the recommendations, the only university-required information on syllabi includes: course title, time, location, professor contact information and office hours, course overview, subject matter of each lecture, academic/learning goals, grading policy and means of evaluation.

Behold our new syllabus template at the McCombs School of Business. [#txlege](#) is this what you want to be paying for? pic.twitter.com/rNYD4FtVxo

— Richard Lowery (@RichardLoweryTX) **August 10, 2022**

Asked for comment about the syllabus template suggestions, UT Austin business Professor Richard Lowery told *The College Fix* that the “McCombs School of Business, under the leadership of Dean Lil Mills, has gone all in on moving from a mission of education and research to one of politics and activism.”

“Trying to get every professor to use his syllabus to promote the left-wing agenda that is now fashionable at UT and throughout academia is beyond the pale, and the state must act immediately to restore institutional neutrality and common sense to the business school and the university,” Lowery said via email.

MORE: Students demanded professor who refused to use trigger warnings be fired. So far, he’s still teaching.

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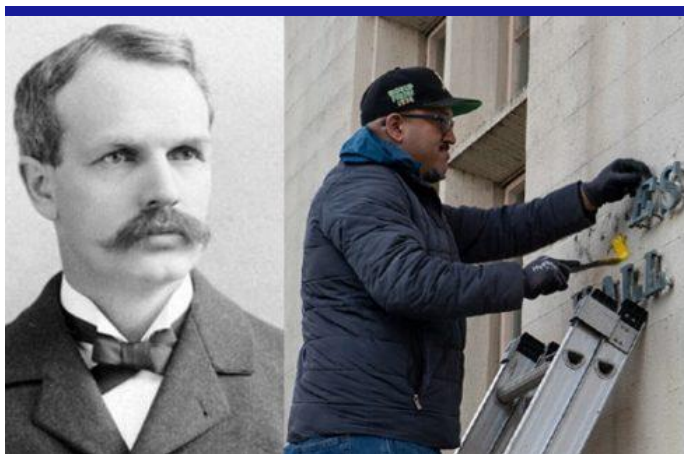
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ABOUT THE AUTHOR

Jennifer Kabbany**Fix Editor**

Jennifer Kabbany is editor-in-chief of *The College Fix*.

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Exhibit 19m



FREE SPEECH POLITICAL CORRECTNESS STEM

Professors continue push for ‘Merit, Fairness and Equality’ to combat DEI regime

JACOB SHIELDS - UNIVERSITY OF MARYLAND
AUGUST 12, 2022



Professors aimed to ‘come up with something positive as a goal ... rather than to just criticize’

Six professors continue to promote an alternative system to Diversity, Equity and Inclusion, called **Merit, Fairness and Equality**.

“In order to protect the integrity of universities it is necessary to offer an alternative to the DEI agenda,” professors Dorian Abbot (*pictured*), Iván Marinovic, Richard Lowery and Carlos Carvalho wrote in an August 5 **post** on their Substack blog *Heterodox STEM*.

The blog post notes that two additional authors contributed to the post, but couldn’t reveal their identities “due to potential retaliation.”

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University of Texas at Austin.

Abbot and Marinovic **created** the MFE alternative framework together in October 2021, shortly following a **canceled** speech to be given by Abbot at MIT. Activists had criticized his **past comments** on diversity initiatives.

“In MFE all academic decisions are based on academic merit, with no other considerations taken into account,” which “promotes the mission of universities: the production of knowledge,” the authors wrote.

The authors argued that their proposal would promote free speech and viewpoint diversity, writing that “ideas generated need to be judged by the academic community based on their merits, not whether some authority deems them to be ‘disinformation’ or even dangerous.”

“The idea was to try to come up with something positive as a goal that those of us concerned about the academy can work toward,” instead of just criticizing DEI, Abbot told *The Fix* on August 8.

Later that year, Abbot **launched** the “Heterodox STEM” Substack, which describes itself as “a forum for open-minded and respectful conversations about issues relevant to the STEM community.” It is now part of one of the **communities** associated with the Heterodox Academy, an organization dedicated to increasing viewpoint diversity and freedom of thought within universities.

However, educational institutions do not seem primed to make the switch

Richard Lowery told *The College Fix* via email August 11 that he “can’t comment on whether anyone has expressed interest.”

“Certainly there is zero interest in anything relating to merit, fairness, or equality at UT-Austin, and every single administrator and the vast majority of the faculty are hell-bent on going in the opposite direction,” Lowery said.

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Although this new framework has **received** some traction online, “no one has officially adopted MFE yet,” Abbot told *The Fix* in an August 11 email.

“Many people are concerned about potential biases in evaluations. MFE gives a productive framework to try to deal with those biases that is not fundamentally antagonistic to the pursuit of truth,” Abbot wrote in his email.

“The key point ... is that the metric for success is always academic excellence, and the resulting distribution of immutable characteristics among those selected is never taken into account,” the academics wrote in the blog post.

DEI is a ‘utopian ideology,’ authors state

The August 6 post criticized DEI, calling it a “utopian ideology” that violates “the moral principles of treating all human beings equally and not using them as mere instruments to achieve socio-political ends.”

Merit, Fairness and Equality is a more “morally justified approach” than DEI, the authors argue, saying that, “in deference to their individual dignity, each person is treated *equally* and given an *equal* shot.”

The professors encouraged widespread adoption of their new framework, writing, “the MFE concept does not belong to us, and we hope that others will adopt it as their own and build on it.”

MORE: Meet the two professors working to replace DEI with MFE: ‘Merit, Fairness and Equality’

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ABOUT THE AUTHOR

Jacob Shields

College Fix contributor Jacob Shields is a student in the honors program at the University of Maryland, College Park, majoring in government and politics and classics. He is a contributor to *Lone Conservative*.

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Exhibit 19n



HIGHER EDUCATION

Academic Freedom Conference prompts spirited debate over how best to fix higher education

JENNIFER KABBANY - FIX EDITOR
NOVEMBER 5, 2022



Critics of a two-day Academic Freedom Conference underway at the Stanford Graduate School of Business have **bemoaned** it as a “hermetically-sealed event, safe from any and all meaningful debate.”

Turns out, they could not have been more wrong.

Day one of the **conference** on Friday proved that while panelists and attendees generally agree higher education is broken due to a lack of intellectual diversity, free speech and academic freedom, they are divided on how best to solve the problem.

Not only that, conference panelists and attendees — made up mostly of ~~professors from across the nation who are either Democrats, conservatives~~

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centrists, classical liberals or libertarians — were not shy about voicing their contrasting opinions as the day progressed and two trains of thought emerged.

One side believes there's no saving higher education from within. The other thinks it can be salvaged.

“The boards [of trustees] are a bunch of people who don't know anything about universities who are the only ones who have the power to change anything,” UT Austin finance Professor Richard Lowery said. “... What are the chances that your board is actually going to step up and do anything?”

Making matters worse, he added, universities are so rich it makes them immune: “No matter how awful these places get, they still have tens of millions of dollars. So what could we do? They won't go bankrupt and the boards are useless, they won't fix anything.”

Lowery's idea is to treat higher education like a product and give it the “tobacco company treatment.”

“What happened to the tobacco companies? People turned on them,” he said. “We could do that if we really put a lot of effort into showing what actually is going on in these universities. Philip Morris is fine because they are actually selling something that's enjoyable — universities are only selling their reputation.”

Niall Ferguson, senior fellow at the Hoover Institution, said new models must emerge.

“The sustained ideological drift of universities has been a 50-year project,” he said. “The only possibility for increasing academic freedom must be the creation of new institutions ... the existing institutions will not fix themselves.”

“Why would an institution 98 percent to the left vote to change itself? It's not going to happen.”

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Former UCLA anthropology Professor Joseph Manson challenged the conference's stated goal of focusing "on the organizational structures leading to censorship and stifling debate and how to repair them."

He said addressing organizational structures will not resolve the primary cause of the problem, what he called the "religion of wokeness."

"You can't expect to talk such people out of their beliefs, or change their behavior," he said.

Manson said the solution lies in "new universities, like the University of Austin, new scholarly societies, new journals." He acknowledged "the obstacles to this approach are formidable," citing funding and legitimacy as two main concerns.

But "in spite of all these challenges, I think the prospects are better for building new institutions than repairing established ones. ... Alternative institutions that have genuine academic freedom ... will draw better students and create better research, and maybe even produce more money," Manson said.

The "if you build it, they will come" idea was met with some skepticism — one professor challenged the notion that driven and intelligent students will pick emerging institutions over established, highly reputable ones.

Ferguson, a founding trustee of the University of Austin, which launched last year as a budding institution where a traditional, unfettered and classically liberal education could occur, gave a full-throated defense of breaking away from traditions.

"I think people will be choosing to come to the University of Austin over Princeton and Yale and Harvard and Stanford within 10 years," he said. "And the reason I think that will happen is that there is so much dissatisfaction amongst young people today with the status quo. They are thoroughly fed up with the woke campus."

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But while some scholars argue for the breakaway, several at the conference urged change from within. Among them was Duke University Professor Peter Arcidiacono, who called for “courage, compassion and community” on campuses to build bridges and resolve conflict.

“I think all three of those are super central to preserving the academic freedom that we are looking for,” said Arcidiacono, an economist who is working against Harvard University’s use of affirmative action.

“I think part of the reason I have been able to survive given the views that I have, given the research that I have done, is because of my relationships with people who disagree with me,” he said.

Another Duke University scholar, John Rose, associate director of the Civil Discourse Project, also defended working from within to be the solution scholars want to see at their schools.

“I am in favor of fixing the existing institutions,” said Rose, who leads classes that teach students how to have civil discourse on hot-button topics.

The students he teaches yearn for debate and resent how it is stifled, he said.

“If you want to create a culture of free speech on campus, it needs to start with the students in the classroom, not with faculty and administration. ... Students aren’t the problem, they are the solution,” Rose said.

While the debate continues, University of Chicago Professor Dorian Abbot proposed some “practical solutions” to ensure and enshrine freedoms on campuses.

“The number one thing is public support, the woke stuff is super unpopular,” he said.

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institutions that they came from and they want to work with faculty and try to improve the situation — that’s a big strength.”

Abbot also encouraged conference attendees, which includes more than 100 faculty from across the nation, to “work hard” and get involved on their campuses in decision-making processes.

“Many of us, we are interested in our scientific or other scholarly research, and we are not necessarily interested in going and sitting in a bunch of stupid faculty meetings or sitting on committees to decide who the next dean is or whatever,” Abbot said. “But I think we’re going to have to do that, because the other side is doing that. That’s what working within institutions looks like.”

For example, at the University of Chicago, a group has been started called “UChicago Free,” he said. It includes about 50 faculty members who discuss academic freedom and free speech topics through a listserv, as well as strategize together, such as getting like-minded peers elected to various faculty senate positions, he said.

Abbot also suggested the possibility of linking higher education federal funding to colleges and universities adopting and upholding free speech principles, and enabling class-action lawsuits for tuition refunds if it’s proven a university violated students’ free speech rights, as ideas to discuss.

Stanford political science Professor Rob Reich, commenting on the problems with higher education juxtaposed with emerging solutions, summarized both sides by noting “it’s the best of times for American higher education — the envy of the world — and also the worst of times in other ways.”

The Academic Freedom Conference continues all day Saturday.

FOLLOW *College Fix* Editor Jennifer Kabbany **on Twitter** for continuing coverage of the conference.

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MORE: 'Academic Freedom Conference' at Stanford to unite big-name conservatives and liberals for free speech

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ABOUT THE AUTHOR

Jennifer Kabbany

Fix Editor

Jennifer Kabbany is editor-in-chief of *The College Fix*.

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